

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MEMBERSELECT INSURANCE COMPANY,)	
)	
Plaintiff,)	
)	No. 1:18-cv-2093
v.)	
)	Hon. Charles R. Norgle
TESLA, Inc.,)	
)	
Defendant.)	

ORDER


Defendant Tesla, Inc.'s Motion for Entry of Order of Dismissal with Prejudice for Plaintiff's Failure to Respond to Motion to Dismiss [14] is granted in part. Defendant Tesla, Inc.'s Motion to Dismiss [8] is denied as moot. This case is dismissed. Civil Case Terminated.

STATEMENT

On March 29, 2018, Defendant Tesla, Inc. ("Defendant") filed a motion to dismiss Plaintiff Member Select Insurance Company's ("Plaintiff") complaint. The Court ordered Plaintiff to file a response on or before May 25, 2018. As of July 31, 2018, Plaintiff has yet to file a response. Accordingly, the Court grants Defendant's motion to dismiss. Because the Court does not touch the merits of Plaintiff's claim, it declines to dismiss with prejudice. See Collier v. SP Plus Corp., 889 F.3d 894, 897 (7th Cir. 2018) ("A Rule 41(b) dismissal is a harsh sanction appropriate only when there is a clear record of delay or contumacious conduct, or where other less drastic sanctions have proved unavailing.").

IT IS SO ORDERED.

ENTER:



CHARLES RONALD NORGLÉ, Judge
United States District Court

DATE: July 31, 2018